

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE

JOHN D. RUDD	)	
	)	
v.	)	CASE NO.: 3:08-CV-00240
	)	JUDGE ECHOLS
CHUBB NATIONAL INSURANCE	)	
COMPANY	)	MAGISTRATE JUDGE GRIFFIN

**MOTION FOR PARTIAL SUMMARY JUDGMENT**

Pursuant to the provisions of Rule 56, F.R.C.P., the defendant Chubb national Insurance Company ("Chubb") moves the Court for an order granting partial summary judgment in its favor. The defendant submits that there is no genuine issue of any material fact and that it is entitled to judgment as a matter of law. Specifically, Chubb submits that plaintiff's claims that they are entitled to recover under the extended replacement cost provisions of the insurance policy in question are not permitted under the policy.

In support of this motion, the defendant relies upon the statement of undisputed facts, pleadings, the policy of insurance, and the memorandum of law which are filed contemporaneously with this motion.

/s/ William B. Jakes, III  
William B. Jakes, III (#10247)  
HOWELL & FISHER, PLLC  
Court Square Building  
300 James Robertson Parkway  
Nashville, TN 37201-1107  
(615) 244-3370  
Attorney for Defendant Chubb National  
Insurance Company

**CERTIFICATE OF SERVICE**

I certify that on May 29, 2008, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

Edward A. Hadley  
NORTH, PURSELL, RAMOS & JAMESON, PLC  
414 Union Street  
Bank of America Plaza, Suite 1850  
Nashville, TN 37219

/s/ William B. Jakes, III  
William B. Jakes, III